IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 21774 of 2007(P)

PETITIONER:

K.K. NARAYANAN POTTI,
S/O. LATE KESHAVAN POTTI, AGED 41 YEARS, WATCHER,
AMBALAPPUZHA SRI KRISHNASWAMI TEMPLE,AMBALAPPUZHA.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW

RESPONDENTS:

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1. **TRAVANCORE DEVASWOM BOARD,**
   REPRESENTED BY ITS SECRETARY, TRAVANCORE DEVASWOM BOARD, NANTHENCODE, THIRUVANANTHAPURAM.

2. **ASSISTANT COMMISSIONER,**
   AMBALAPPUZHA GROUP, AMBALAPPUZHA.

3. **ADMINISTRATIVE OFFICER,**
   DEVASWOM OFFICE, AMBALAPPUZHA.

BY ADV. SRI.D.SREEKUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.21774/2007 P

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF INTIMATION DTD. 17/07/05 SUBMITTED BY PETITIONER TO THE 3RD RESPONDENT.**

EXT.P1A: **COPY OF INTIMATION DTD. 13/07/06 SUBMITTED BY PETITIONER BEFORE 3RD RESPONDENT.**

EXT.P2: **COPY OF ORDER NO.76 DTD. 10/07/07 ISSUED BY 3RD RESPONDENT.**

/TRUE COPY/

P.A.TO JUDGE

KSS

ANTONY DOMINIC,J.

W.P (C) No.21774 of 2007

Dated this the 7th day of August, 2007

J U D G M E N T

Petitioner was working as Watcher in the Ambalapuzha Srikrishnaswami Temple. By Ext.P2 order he has been transferred to Cherthala and the said order is under challenge. Standing counsel for the respondents has filed a statement. It is stated that on instruction at the temple an enquiry was conducted at the temple and in the enquiry report it was found that there were irregularities in using vazhupad receipts and other matters. Therefore, it was decided to transfer all four employees of the Ambalapuzha temple. This is the reason for transferring the petitioner, submits the counsel.

2. If the respondents have found out some irregularities and if there is a report to that effect, there is nothing irregular in keeping people, who were working at relevant time, away from the particular temple. For that reason, I do not find any irregularity in Ext. P2. A transfer of order can be interfered with only if it is illegal or is proved to be vitiated by malafides. None of these grounds are available in this case.

3. The petitioner submits that he is innocent of all the irregularities and that, according to him, it is at his instance that the enquiry itself was initiated. I clarified that the contents of the statement filed by the respondents in this case or the report of enquiry shall not be used to the prejudice of the petitioner unless he is put on notice thereof and given an opportunity to represent against those findings. With these observations, writ petition is disposed of.

(ANTONY DOMINIC,JUDGE)

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/True copy/

P.A to Judge

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007